



CITY OF LODI COUNCIL COMMUNICATION

AGENDA ITEM

K-2

AGENDA TITLE: Introduce Ordinance Amending Lodi Municipal Code Chapter 17.81 entitled "Site Plan and Architectural Approval", specifically by Repealing and Reenacting Sections 17.81.060 pertaining to "Committee Actions" and Section 17.81.070 pertaining to "Appeals from the Committee".

MEETING DATE: August 20, 2008

PREPARED BY: Community Development Department

RECOMMENDED ACTION: Introduce Ordinance Amending Lodi Municipal Code Chapter 17.81 entitled "Site Plan and Architectural Approval", specifically by Repealing and Reenacting Sections 17.81.060 pertaining to "Committee Actions" and Section 17.81.070 pertaining to "Appeals from the Committee".

BACKGROUND INFORMATION: The Lodi Municipal Code (LMC) Chapter 17.81 establishes the requirement for certain categories of building projects to undergo a formal site plan and architectural review by the City. The LMC establishes the Site Plan and Architectural Review Committee (SPARC) as the body that will conduct the required site plan and architectural review. The Planning Commission has recommended that the LMC be amended to permit a change in the way design reviews are conducted.

Currently, the Site Plan and Architectural Review Committee has the responsibility to review all projects that are required to undergo a formal design review process. In recent years, there has been some discussion regarding whether there might be a better process for reviewing the site plan and architectural merits of these projects. The issue has surfaced largely as a result of isolated incidents when conflicting conditions were placed on projects reviewed by both the Planning Commission and SPARC. This situation can result when a project is reviewed by the Planning Commission for a Use Permit or other discretionary approval and the project is approved with a set of PC conditions. SPARC then reviews the project, and based on their review, establishes an additional set of conditions that may in some way conflict with the PC conditions. While conflicting conditions are an infrequent situation, the Planning Commission requested staff explore whether there might be a better process to review new building projects to avoid this situation.


The Planning Commission looked at several options to improve the review process. They ranged from eliminating SPARC to developing a new set of design guidelines for design review. Following these discussions, the Planning Commission recommended an option that will divide the duties of site plan and architectural review between the Planning Commission and SPARC. The PC would review the site and architectural design of all building projects that come before the PC for discretionary review, which could include use permits, variances and land use changes. The applicant would obtain both discretionary land use approval and also site plan and architectural review approval from the PC, and would be subject to a single set of design conditions. Projects that do not require discretionary approval would continue going to SPARC for site plan and architectural review and SPARC would develop the conditions of approval for the particular project.

APPROVED:

Blair King, City Manager

This process will streamline the design review process and provide the applicant with a **consistent** set of requirements and conditions as part of the design review process.

In order to implement the proposed changes, the Chapter of the Municipal Code regulating site plan and architectural review will need to be repealed and reenacted to clarify the new responsibilities of the Planning Commission and the Site Plan and Architectural Review Committee in the design review process. The proposed changes are reflected in Exhibit A.

A handwritten signature in black ink, appearing to read 'Peter Pirinejad', is written over a horizontal line.

~~Peter Pirinejad~~

Co-Interim Community Development Director

Attachment

1. **Proposed Amended Ordinance**

17.81.060 Site Plan and Architectural Review.

- A. If a project falls into one of the categories of projects listed in Section 17.81.030 and requires site plan and architectural review, the review of the proposed building project will be done in the following manner:
1. Planning staff shall review the Site Plan and Architectural Review application to determine if the project requires discretionary approval (use permit, variance, etc.) from the Planning Commission in addition to site plan and architectural review.
 2. If a project is determined to require a discretionary approval from the Planning Commission, the Planning Commission shall ~~also be the body that reviews and approves~~ the site plan and architectural design of the project.
 3. If a project falls into one of the categories listed in Section 17.81.030 but does not require a discretionary approval from the Planning Commission, ~~the required review and approval of the Site Plan and Architectural Review application submittal and plans shall be conducted by the Site Plan and Architectural Review Committee (SPARC)~~ SPARC shall review the site plan and architectural design of the project. The approval body, whether the Planning Commission or SPARC shall have the ~~function, duty and~~ power to approve or disapprove the application; or to approve the application subject to compliance with such modifications or conditions as it may deem necessary to carry out the purpose of ~~these regulations, the external design and site plan of all proposed new buildings or structures for which site plan and architectural approval are required. The approval body shall impose such conditions as are necessary to carry out policies adopted by ordinance or resolution of the City Council~~ the Lodi Municipal Code and all other applicable laws and regulations.
- B. Upon approval of submitted plans and after the expiration of the ten-day appeal period, the building inspector ~~can~~ may issue a building permit. ~~; provided that all other provisions of law have been complied with and except as otherwise herein provided for buildings requiring use permits or on items appealed to the Planning Commission and/or City Council.~~

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
LODI AMENDING LODI MUNICIPAL CODE TITLE 17 - ZONING
– BY REPEALING AND REENACTING CHAPTER 17.81
RELATING TO SITE PLAN AND ARCHITECTURAL APPROVAL

=====

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

Section 1. Lodi Municipal Code Title 17 – Zoning is hereby amended by repealing and reenacting Chapter 17.81 – “Site Plan and Architectural Approval” and shall read as follows:

Chapter 17.81 SITE PLAN AND ARCHITECTURAL APPROVAL

- 17.81.010 Purpose.
- 17.81.020 Committee established.
- 17.81.030 Required.
- 17.81.040 Application.
- 17.81.050 Maps and drawings.
- 17.81.060 Committee action.
- 17.81.070 Appeal from committee.

17.81.010 Purpose.

The purpose of site plan and architectural review and approval is to ensure compliance with this title (i.e. zoning ordinance) and to promote the orderly development of the City; the stability of land values; investment and the general welfare; and to help prevent the impairment or depreciation of land values and development by the erection of structures, additions or alterations thereto without proper attention to good site planning and architectural appearance.

17.81.020 Committee established.

There is established a site plan and architectural review committee (SPARC) to assist the planning commission in reviewing site plans and architectural drawings. The membership of the committee shall consist of five members. Four of the members shall be appointed to four-year, overlapping terms by the Mayor with the approval of the City Council. The fifth member shall be a member of the Planning Commission and appointed by the Planning Commission to serve a one year term on the committee.

17.81.030 Required.

Site plan and architectural approval is required for the following uses:

- A. Residential building proposed to be erected in areas zoned R-GA, R-MD, R-HD, R-C-P, C-1 and C-2, except single-family dwellings, duplexes and triplexes.
- B. Commercial-professional offices and institutional buildings proposed to be erected in areas zoned R-C-P and C-1.
- C. Nonresidential buildings proposed to be erected in areas zoned C-1, C-2 and C-M.
- D. Nonresidential buildings proposed to be erected in areas zones M-1 and M-2 which abut upon areas zones R-1, R-2, R-GA, R-MD, R-HD, R-C-P, C-1 and C-2.

- E. Any use requiring a use permit (Ord. 1353 § 1, 1985: prior code § 27-18(c)); or when the Planning Commission or City Council requires a site plan and architectural review as a condition of a discretionary permit.

17.81.040 Application.

An application for site plan and architectural review shall be made by the property owner or agent on an application form provided by the City.

17.81.050 Maps and drawings.

The following maps and drawings, in duplicate, shall be submitted that show the following:

- A. A site plan of the proposed structures that compliment the neighborhood and preserve light and air on adjoining properties;
- B. Landscaping and/or fencing of yards and setback area, use of landscaping and/or wall or fencing for screening purposes;
- C. Design of ingress and egress;
- D. Off-street parking and loading facilities;
- E. Drawings or sketches of the exterior elevations;
- F. Designation of location of existing fire hydrants.

17.81.060 Site Plan and Architectural Review.

- A. If a project falls into one of the categories of projects listed in Section 17.81.030 and requires site plan and architectural review, the review of the proposed building project will be done in the following manner:
 - 1. Planning staff shall review the Site Plan and Architectural Review application to determine if the project requires discretionary approval (use permit, variance, etc.) from the Planning Commission in addition to site plan and architectural review.
 - 2. If a project is determined to require a discretionary approval from the Planning Commission, the Planning Commission shall review the site plan and architectural design of the project.
 - 3. If a project falls into one of the categories listed in Section 17.81.030 but does not require a discretionary approval from the Planning Commission, SPARC shall review the site plan and architectural design of the project. The approval body, whether the Planning Commission or SPARC shall have the power to approve or disapprove the application; or to approve the application subject to compliance with such modifications or conditions as it may deem necessary to carry out the purpose of the Lodi Municipal Code and all other applicable laws and regulations.
- B. Upon approval of submitted plans and after the expiration of the ten-day appeal period, the building inspector may issue a building permit.

17.81.070 Appeals.

Any actions of the Site Plan and Architectural Review Committee on matters referred to in this chapter may be appealed to the Planning Commission by filing, within ten business days, a written appeal to the Community Development Director. Any action of the Planning Commission on matters referred to in this chapter may be appealed to the City Council by filing, within ten business days, a written appeal to the City Clerk. The appeal shall be processed in accordance with Chapter 17.88, Appeals, of the Lodi Municipal Code.

Section 2 - No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3. In the event that any portion of this Ordinance is determined to be invalid or illegal then the entire Ordinance will be repealed and reenacted back to its form prior to September 21, 2005.

Section 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 5. This ordinance shall be published one time in the "Lodi News Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect 30 days from and after its passage and approval.

Approved this ____ day of _____, 2008

JOANNE MOUNCE
Mayor

Attest:

RANDI JOHL
City Clerk

State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. ____ was introduced at a regular meeting of the City Council of the City of Lodi held August 20, 2008, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held _____, 2008, by the following vote:

AYES:	COUNCIL MEMBERS –
NOES:	COUNCIL MEMBERS –
ABSENT:	COUNCIL MEMBERS –
ABSTAIN:	COUNCIL MEMBERS –

I further certify that Ordinance No. _____ was approved and signed by the Mayor of the date of its passage and the same has been published pursuant to law.

RANDI JOHL
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER
City Attorney

Amending Site Plan & Architectural Review

City Council
August 20, 2008
Community Development



Purpose for change

- Eliminate the opportunity for conflicting between PC and SPARC
- Streamline the review process
- Site plan is considered in the review of an entitlement (i.e use permit or variance)
- Result in better design and enforceable conditions

Alternative 1 – Eliminate SPARC

- Meets intent but overburdens PC
- Eliminates potential for conflict but approach is too broad
- Staff could review non-discretionary applications but inconsistent with intent of ordinance

Alternative 2 – Divide Duties

- Meets intent without overburdening PC
- Eliminates potential for conflict for only those projects that are at risk
- Consistent with the original intent of the ordinance

Alternative 3 – Improve Guidelines

- Would be very time intensive to create the guidelines needed
- Would reduce the potential of conflict but not eliminate it
- To work properly this approach would require the formation of districts

Conclusion

- On June 25th PC Voted unanimously for Alt #2
- Staff presented the alternatives to the Shirt Sleeve on August 5